

REMARKS

In response to the Office Action mailed September 13, 2004, Applicant respectfully submits the following amendments and remarks. Claims 1-21 are pending for examination with claims 1, 13, 15 and 18 being independent claims. Claims 3, 15 and 16 are amended herein, and claims 18-21 have been added. No new matter has been added. Applicant notes with appreciation that claims 1-14 and 16 have been indicated to contain allowable subject matter.

Objections under 37 C.F.R. 1.75

In the Office Action, the Examiner objects to claim 3 under 37 C.F.R. 1.75(a) due to “the improper use of a parenthetical” which renders the claim indefinite. Applicant has amended claim 3 to delete the word “(time),” thereby overcoming this objection. Accordingly, withdrawal of the objection is respectfully requested as claim 3 is now in condition for allowance.

The Examiner also objected to claim 16 under 37 C.F.R. 1.75(c) because of a typographical error making claim 16 dependent upon claim 155. Applicant has amended claim 16 to correct this typographical error and respectfully requests withdrawal of the objection to claim 16. Claim 16, as amended, now properly depends from claim 15.

Rejection under 35 U.S.C. §112 and Corresponding Objection to the Specification

Claims 15-17 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended claim 15 to overcome this rejection and also traverses the rejection.

Applicant disagrees with the Examiner’s statement that claim 15 is a “single element” claim and is therefore not in compliance with 35 U.S.C. § 112, first paragraph. Rather, claim 15 recites a control unit that is configured to accomplish a plurality of steps. The novel aspects of claim 15 lie in the steps that the control unit is configured to perform. Because the control unit is configured to perform multiple steps, claim 15 is not a single element claims, but instead has at least three elements (the three steps the control unit is configured to perform). However, in order to move this application forward to allowance, Applicant has amended claim 15 to now recite that the ground penetrating radar system comprises “a ground penetrating radar and a

control unit," thereby overcoming the Examiner's rejection. Accordingly, withdrawal of the rejection is respectfully requested. The amendment to claim 15 also overcomes the Examiner's objection to the specification and accordingly, withdrawal of that objection is respectfully requested.

Newly Added Claim


Applicant has added new claims 18-21 to further define Applicant's contribution to the art. Claims 18-21 are supported by the specification as filed and are believed to be in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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